

REMARKS

Claims 1-26 and 40-41 are canceled without prejudice to their further prosecution in a divisional application. Claims 27-39 and 42-53 are active.

Claims 27, 29-39, 43-44, and 49 have been amended.

Claims 27, 34-39, and 43-44 have been amended to recite an isoelectric gateway having a first ion-permeable barrier, a second ion-permeable barrier, and a "stationary" isoelectric substance therebetween. Applicant respectfully submits that these amendments are supported in the specification at least at page 6, lines 9-11. Accordingly, Applicant submits that no new matter is believed to have been added.

Claims 29-33 have been amended for clarity, and are supported in the specification at page 4, line 23 to page 5, line 2. Accordingly, Applicant submits that no new matter is believed to have been added.

I. Rejection Under 35 U.S.C. § 102(b)

The rejection of claims 27-30, 33, 39-41 and 43-53 over *Bier* (US 4,204,929) is respectfully traversed.

As amended, the claimed isoelectric gateway comprises "a first ion-permeable barrier", a "second ion-permeable barrier", and a "stationary isoelectric substance" disposed therebetween. The "stationary" isoelectric substance is stagnant, i.e. does not flow between the first and second ion-permeable barriers. In contrast, *Bier* describes an isoelectric focusing method and apparatus in which there is fluid flow in each channel of the apparatus.¹ Thus, *Bier* lacks the "stationary isoelectric substance" of the claimed isoelectric gateway and method. Accordingly, *Bier* fails to anticipate the claims. Applicant respectfully requests that the rejection be withdrawn.

In addition, *Bier* also fails to suggest the claimed isoelectric gateway and methods. As stated at page 6, lines 9-11 of the present specification, a stationary isoelectric substance minimizes the time a substance present in the isoelectric gateway spends outside of the electric field. Since the isoelectric substance of the claimed isoelectric gateway is stationary,

¹ *Bier*, column 2, lines 44-66

whereas the fluid in each channel of the apparatus of *Bier* is flowing, one would reasonably expect that the separation characteristics of the claimed isoelectric gateway would be quite different from that provided by the apparatus of *Bier*. Accordingly, *Bier* also fails to suggest the claimed isoelectric gateway.

II. Rejection under 35 U.S.C. § 103

The rejections of claims 30-38 and 42 over *Bier* in combination with *Perry*, *Dubrow*, *Martin*, *Hearn*, *Söderberg*, or WO 92/15870 are respectfully traversed.

As amended, the claimed isoelectric gateway comprises "a first ion-permeable barrier", a "second ion-permeable barrier", and a "stationary isoelectric substance" disposed therebetween. The "stationary" isoelectric substance is stagnant, i.e. does not flow between the first and second ion-permeable barriers. As discussed above, *Bier* describes an apparatus in which fluid flows between each of the membranes defining channels therein. Thus, *Bier* fails to describe a stationary isoelectric substance. None of the other references cited by the Examiner described a stationary isoelectric substance disposed between two ion-permeable barriers. Accordingly, Applicant submits that the combination of *Bier* with *Perry*, *Dubrow*, *Martin*, *Hearn*, *Söderberg*, or WO 92/15870 also fails to suggest the claimed isoelectric gateway or method. Applicant therefore respectfully requests that the rejections be withdrawn.

For the reasons stated above, Applicant respectfully submits that the present application is now in condition for allowance. Early notification thereof is earnestly solicited.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

Cooley Godward LLP

Dated: May 30, 2006

Customer No. 58249
Cooley Godward LLP
875 15th Street, N.W., Ste. 800
Washington, D.C. 20005-2221
202-842-7800

Thomas A. Blinka
Thomas A. Blinka
Registration No. 44,541